HON'BLE SHRI G.S.SINGHVI, THE CHIEF JUSTICE

AND

HON'BLE SHRI JUSTICE G.BHAVANI PRASAD

WRIT APPEAL No. 387 of 2006

Between:

Maheswari Educational Society,

represented by its President

Smt V.Padmavathi

…Appellant

AND

The Government of Andhra Pradesh, represented by its

Principal Secretary, Medical and Health Department,

Hyderabad and others.

…Respondents

Counsel for the Appellant : Sri P.Vaddi

Counsel for the Respondents: Government Pleader for

Medical, Health and Family

Welfare

Dated: April 18, 2006

:JUDGMENT:

Per Sri G.S.Singhvi, C.J.

Faced with the dilemma of irregularities allegedly committed in the verification of infrastructure and other facilities made available by those interested in establishing Nursing Schools and Colleges and questions raised in the Legislative Assembly on the fairness of exercise undertaken by the department, the Government decided to constitute a High Powered Committee headed by Justice I.Panduranga Rao (retired Judge of the High Court of Andhra Pradesh) to process the applications made by various institutions for grant of essentiality certificate. The decision of the Government was circulated vide G.O.Ms.No. 58 HM & FW (EI) Department dated 9-3-2005.

As a sequel to the aforementioned decision of the State Government, application made by the appellant for establishing a School of Nursing was referred for re-verification. This was conveyed to the appellant vide letter dated 23-7-2005.

The appellant challenged the proposed re-verification of its application in Writ Petition No.16823 of 2005.

The learned Single Judge, after taking note of orders dated 29-4-2004 and 5-3-2005 passed in Writ Petition Nos. 8508 of 2004 and 6401 of 2005 filed by the appellant, came to the conclusion that the decision taken by the State Government to refer the application of the writ petitioner (appellant) for re-verification does not suffer from any legal infirmity.

Learned counsel for the appellant emphasizes that once the application of the appellant has been verified by the competent authority of the department, there can be no justification, legal or otherwise, for re-verification of its credibility to establish School of Nursing.

In our opinion, the grievance made by the appellant against the policy decision taken by the State Government to send the application for re-verification is clearly misconceived and the learned Single Judge did not commit any error by refusing to entertain its prayer.

We are further of the view that in the absence of any violation of the law enacted by the Legislature or delegated legislation framed by the State, the action taken by the Director of Medical Education to refer the appellant's application for re-verification in terms of the policy decision taken by the Government cannot be dubbed as arbitrary.

It is neither the pleaded case of the appellant nor the learned counsel has argued that the policy decision taken by the State Government, which is reflected in G.O.Rt.No.448 dated 25-4-2005 suffers from any constitutional or legal infirmity.

For the reasons mentioned above, the appeal is dismissed.

G.S.SINGHVI, C.J.

18-4-2006

G.BHAVANI PRASAD, J.

GRR

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